

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

| | | |
|--|-----------------------------|-------|
| George Cleveland, III, |) C/A No. 4:14-2444-RBH-TER | |
| |) | |
| Plaintiff, |) | |
| |) | ORDER |
| vs. |) | |
| |) | |
| Warden Willie Eagleton, individually and in his official |) | |
| capacity; Associate Warden Roland McFadden, |) | |
| individually and in his official capacity; Officer M.) |) | |
| Thomas; Unknown Nurse Manager and Unknown) |) | |
| Medical Doctor; |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court because on October 31, 2014, the United States Marshal filed a service of process form (USM-285) with the Clerk of Court to inform this court that service of process upon Defendant Officer M. Thomas could not be accomplished. *See* USM-285 Return Unexecuted, ECF No. 27. The Marshal indicated on the form that there was “no Officer Thomas.” *Id.*

TO THE CLERK OF COURT:

In addition to a copy of this Order and a copy of the USM-285 Return Unexecuted, ECF No. 27, the Clerk of Court is directed to send to Plaintiff one summons and one Form USM-285.

TO PLAINTIFF:

Plaintiff is hereby directed to provide to the Clerk of Court, within twenty-one (21) days of the date of this order, updated service forms with correct information/addresses for Defendant Officer M. Thomas should he desire to attempt service upon the named Defendant again. Blank summons forms and USM-285 forms are attached to this Order for Plaintiff’s use.

The providing of sufficient, accurate, and complete information on the Forms USM-285 is the responsibility of Plaintiff. Plaintiff’s attention is directed to Rule 4(m) of the Federal Rules of Civil Procedure that provides,

[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

Plaintiff is hereby warned that if he does not respond to this Order and/or does not provide a new summons form and Form USM-285 for Defendant Officer M. Thomas with a new updated address for the unserved defendant, Defendant Officer M. Thomas may be subject to dismissal without prejudice.

IT IS SO ORDERED.

s/ Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

February 19, 2015
Florence, South Carolina